

1 JAMES C. STURDEVANT (SBN 94551)
2 (jsturdevant@sturdevantlaw.com)
3 MONIQUE OLIVIER (SBN 190385)
4 (molivier@sturdevantlaw.com)
5 WHITNEY HUSTON (SBN 234863)
6 (whuston@sturdevantlaw.com)
7 THE STURDEVANT LAW FIRM
A Professional Corporation
354 Pine Street, Fourth Floor
San Francisco, California 94104
Telephone: (415) 477-2410
Facsimile: (415) 477-2420

8 ARTHUR D. LEVY (SBN 95659)
9 Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
Telephone: (415) 702-4550
Facsimile: (415) 814-4080
Email: arthur@yesquire.com

11 *Attorneys for Plaintiffs and Counterdefendants*
KRISTA O'DONOVAN AND EDUARDO DE LA TORRE

13 BRAD W. SEILING (Bar No. CA 143515)
NOEL S. COHEN (Bar No. CA 219645)
LYDIA M. MENDOZA (Bar No. 247916)
MANATT, PHELPS & PHILLIPS, LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614
Telephone: (310) 312-4000
Facsimile: (310) 312-4224
E-mail: bseiling@manatt.com; ncohen@manatt.com;
lmendoza@manatt.com

18 *Attorneys for Defendant and Counterclaimant*
CASHCALL, INC.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 KRISTA O'DONOVAN, EDUARDO DE
LA TORRE and LORI SAYSORIVONG,
individually and on behalf of all others
similarly situated,

Case No. C 08-03174 MEJ

23 STIPULATION RELATED TO CONSUMER
LEGAL REMEDIES ACT CLAIM

24 Plaintiff,

25 vs.

26 CASHCALL, INC., a California
corporation, and DOES 1 through DOE 50,
inclusive,

28 Defendants.

300007171.1

STIPULATION RELATED TO CLRA CLAIM

1 CASHCALL, INC., a California
2 corporation,

3 Counterclaimant,

4 vs.

5 EDUARDO DE LA TORRE,

6 Counterdefendant.

7
8 WHEREAS on June 24, 2009, the Court GRANTED IN PART, AND DENIED IN
9 PART, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint. Among other
10 things, the Court granted Defendant's Motion to Dismiss the Second Cause of Action for
11 violation of the Consumer Legal Remedies Act ("CLRA") without prejudice.

12 WHEREAS on July 14, 2009, Plaintiffs filed a Second Amended Complaint. The Second
13 Amended Complaint included a CLRA claim that was identical to the claim previously dismissed.
14 Plaintiffs included the CLRA claim in the Second Amended Complaint solely to preserve the
15 issues on appeal. Plaintiffs are not pursuing the CLRA claim in the District Court.

16 WHEREAS on July 30, 2009, Plaintiffs filed a Third Amended Complaint, which also
17 included the CLRA claim that is identical to the one the Court dismissed without prejudice.

18 WHEREAS the Fourth Amended Complaint adds a new plaintiff, but does not otherwise
19 add or change any allegations related to the causes of action. The Fourth Amended Complaint
20 includes the CLRA claim that is identical to the one the Court dismissed without prejudice.

21 WHEREAS on February 25, 2010, the Court signed the Stipulation and Proposed Order
22 and the Fourth Amended Complaint was deemed filed.

23 NOW, THEREFORE, Plaintiffs and Defendant, through their respective counsel of
24 record, hereby stipulate, that Plaintiffs' CLRA claim is included in the Fourth Amended
25 Complaint solely to preserve the issues on appeal. Plaintiffs agree that they are not pursuing this
26 claim in the District Court. On that basis, Defendant is not filing a motion to dismiss the CLRA
27 claim.

28

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 Dated: March 22, 2010

3 _____/s/

4 Whitney Huston
Attorneys for Plaintiffs and Counterdefendants
Krista O'Donovan and Eduardo de la Torre

5 Dated: March 22, 2010

6 _____/s/

7 Brad W. Seiling
Attorneys for Defendant and Counterclaimant
CashCall, Inc.

8

9 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Brad*

10 *Seiling hereby attests that concurrence in the filing of this document has been obtained.*

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28